IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE SIDE

CRIMINAL WRIT PETITION NO.353 OF 2006

Shivaji Dashrath Gaikwad : Petitioner

V/s.

State of Maharashtra & Ors. : Respondents

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Mr.Arfan A.E.A.Sait (appointed) for the petitioner.

Mrs.S.D.Shinde, Addl. Public Prosecutor for the State.

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CORAM : D.G.DESHPANDE & S.A.BOBDE,JJ.

DATE : JULY 20, 2006.

P.C.

1. Heard the learned Advocate for the petitioner and the learned Addl. Public Prosecutor for the State.

2. The petitioner had over-stayed for 114 days. The Superintendent, Central Prison, Kalamba, deducted 456 days' remission for the absence of the convict in the proportion of five days' deduction for one day's delay. The matter went to the Sessions Judge. The Sessions Judge, taking a sympathetic look to the fact that the petitioner had annexed a Medical Certificate about the illness of his mother, reduced the punishment to two days for one day's absence i.e. 228 days. In earlier three

matters, we had found that two days' cut for one day's absence was reasonable. Therefore, the same order is passed in this case also. No interference is called for.

3. The petition is dismissed.

4. Office to communicate this order to the prisoner.

5. Criminal Application No.95 of 2006 stands disposed of.

D.G. DESHPANDE, J.

S.A. BOBDE, J.